

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Building Code Enforcement
(Amendment)

815 KAR 7:125. Kentucky Residential Code.

RELATES TO: KRS~~[132.010(9), (10),]~~ 198B.010, 198B.040, 198B.050, 198B.060, 198B.080,~~[198B.110,]~~ 198B.260, 198B.990~~[-227.550(7)]~~

STATUTORY AUTHORITY: KRS 198B.040(7), 198B.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.040(7) and 198B.050 require the department~~[requires the Kentucky Board of Housing, Buildings and Construction]~~ to~~[adopt and]~~ promulgate a mandatory uniform state building code that~~[, based on a model code, which]~~ establishes standards for the construction of all buildings in the state. This administrative regulation establishes the basic mandatory uniform statewide code provisions relating to construction of one (1) and two (2) family dwellings and townhouses.

Section 1. Definitions. (1)~~["Board of Housing" or "board" means the Kentucky Board of Housing, Buildings and Construction.~~

~~(2) "Building" is defined by KRS 198B.010(4).~~

~~(3) "Commissioner" means the commissioner of the Department of Housing, Buildings, and Construction.~~

~~(4) "Department" means the Department of Housing, Building, and Construction.~~

~~(5) "Farm" means property having a bona fide agricultural or horticultural use as defined by KRS 132.010(9) and (10) that is qualified by and registered with the property valuation administrator in the county in which the property is located.~~

~~(6) "KBC" means the Kentucky Building Code as established in 815 KAR 7:120.~~

~~(7) "Manufactured home" is defined by KRS 198B.010(23) and 227.550(7).~~

~~(8) "Modular home" means an industrialized building system, which is designed to be used as a residence and that is not a manufactured or mobile home.~~

~~(9) "Ordinary repair" is defined by KRS 198B.010(19).~~

~~(10)] "Single-family dwelling" or "one (1)-family dwelling" means a single unit that:~~

~~(a) Provides~~~~[providing]~~ complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation;~~;~~~~]~~ and

~~(b)[which] Is not connected to any other unit or building.~~

(2) "Townhouse" means a single-family dwelling unit constructed in a group of three (3) or more attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two (2) sides.

(3)~~[(44)]~~ "Two (2) family dwelling" means a building containing not more than two (2) dwelling units that are connected.

Section 2. Residential Code~~[Mandatory Building Code Requirements for Dwellings]~~. (1) Except as provided in subsection (2) of this section, the 2015 International Residential Code for One (1) and Two (2) Family Dwellings shall be the mandatory state residential building code for all~~[a]~~ single-family dwellings~~[dwelling]~~, two (2) family dwellings~~[dwelling]~~, and townhouses~~[or townhouse shall not be]~~ constructed in Kentucky, except that the Kentucky amendments in the 2018 Kentucky Residential Code shall supersede any conflicting provision in the 2015 International Residential Code for One (1) and Two (2) Family Dwellings~~[unless it is in compliance with the 2012 International Residential Code for One (1) and Two (2) Family Dwellings,~~

~~as amended by this administrative regulation and the 2013 Kentucky Residential Code].~~

(2) Exceptions.

(a) Permits, inspections, and certificates of occupancy shall not be required for a single-family dwelling unless required by a local ordinance.

(b) All residential occupancies that are not single-family, two (2) family, or townhouses shall comply with the 2015 International Building Code for One (1) and Two (2) Family Dwellings~~[2012 International Building Code for One (1) and Two (2) Family Dwellings]~~ and the 2018 Kentucky Building Code~~[2013 Kentucky Building Code]~~.

~~(3)[The 2012 International Residential Code for One (1) and Two (2) Family Dwellings shall be amended as established in the 2013 Kentucky Residential Code.~~

(4) Plans for single-family~~[or one (1) family]~~ dwellings, two (2) family dwellings, and townhouses shall be designed and submitted to conform to this administrative regulation.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "2015 International Residential Code for One (1) and Two (2) Family Dwellings~~[2012 International Residential Code for One (1) and Two (2) Family Dwellings]~~," International Code Council, Inc.; and

(b) "2018 Kentucky Residential Code," First Edition, April 2018~~[2013 Kentucky Residential Code", Third Edition, December 2015]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings, and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m.

STEVEN A. MILBY, Commissioner

DAVID A. DICKERSON, Secretary

APPROVED BY AGENCY: April 12, 2018

FILED WITH LRC: April 13, 2018 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2018, at 9:00 a.m., EDT, in the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through May 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: David Startzman, General Counsel, Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, phone 502-573-0365, fax 502-573-1057, email david.startzman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: David Startzman

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the uniform Kentucky Residential Code as required pursuant to KRS 198B.050.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to adopt the Kentucky Residential Code as required pursuant to KRS 198B.050.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation utilizes the International Residential Code as the basis for construction standards and allows the Department of Housing, Buildings and Construction to make amendments unique to Kentucky after due consideration of equivalent safety measures as required by KRS 198B.050.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation sets forth standards authorized by the statute for the enforcement of the residential code, incorporating all applicable laws into its processes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment updates the Kentucky Building Code to the model 2015 International Residential Code ("IRC") standards of construction. Kentucky Residential Code amendments that correspond with certain provisions of the IRC are included.

(b) The necessity of the amendment to this administrative regulation: To implement code changes proposed by the Department of Housing, Buildings and Construction, which have been reviewed and commented on by the Department of Housing, Buildings and Construction Advisory Board during its August 22, 2017 meeting.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 198B.050 mandates the Department of Housing, Buildings and Construction to establish a uniform Kentucky Building Code. These amendments adopt a more recent model building code – going from the 2012 IRC to the 2015 IRC.

(d) How the amendment will assist in the effective administration of the statutes: These amendments to the Kentucky Building Code will enhance public safety and allow the construction industry to utilize current technologies, methods, and materials.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All construction projects subject to the Kentucky Residential Code will be affected by the amendments to this regulation. Architects, engineers, contractors, project managers, businesses, local governments, and Department personnel will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including;

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: The identified entities must comply with the new amendments to the residential code.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Affected entities will incur a slight increase in expenses for obtaining new codebooks.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Benefits include enhanced safety features, flexibility in building design, and increased clarity of construction standards.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There are no anticipated additional costs to administer these regulatory amendments.

(b) On a continuing basis: There are no anticipated additional costs to administer these regulatory amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of these amendments is anticipated to result in no additional costs to the agency. Any agency costs resulting from these administrative amendments will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not necessitate an increase in fees or require funding to the Department for implementation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment does not change previous established fees.

(9) TIERING: Is tiering applied? Tiering is not applied as all builders, contractors, local governments, and owners will be subject to the amended requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction and local jurisdiction inspection and plan review programs.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 198B.040(7) and 198B.050.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is not anticipated to generate additional revenue for the agency.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is not anticipated to generate additional revenue for the agency.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this regulatory amendment.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this regulatory amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None